

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	
)	Criminal No. 19-MJ-6247-MPK
KEVENS LOUIS,)	
)	
Defendant.)	
_____)	

ORDER ON MOTION FOR REVOCATION OF ORDER OF RELEASE (DOC. NO. 6)

April 30, 2019

SOROKIN, J.

Defendant Kevens Louis is charged with conspiracy to commit wire fraud by a complaint filed in this district. Doc. No. 4. He was arrested in the Southern District of Florida on April 16, 2019, and appeared in that district before Magistrate Judge Seltzer for a detention hearing. See Doc. No. 6 at 2. Louis's father was present at that hearing and offered to post the equity in his home as collateral for Louis's release. Id. After an extensive hearing, the recording of which the Court has reviewed, Magistrate Judge Seltzer rendered a thoughtful, considered opinion that ordered Louis released pending trial and established various conditions of release, including that he must maintain or seek full-time employment and have no access to cell phones, Internet access, and computers. Doc. No. 9 at 35.

The government now appeals Judge Seltzer's decision, Doc. No. 6, which he stayed pending the resolution of the appeal, Doc. No. 9 at 40. The appeal lies to the undersigned judge as the emergency judge for the district in which the charges are brought. See 18 U.S.C. § 3145(a); L.R. 40.4(a). This Court reviews the magistrate judge's decision de novo. See United States v. Tortora, 922 F.2d 880, 884 n.4 (1st Cir. 1990).

On April 26, 2019, the undersigned held an evidentiary hearing, at which the defendant and his father appeared by video conference from the Southern District of Florida. Doc. No. 16. Louis's father made crystal clear that, if necessary, he would impose sanctions far beyond those available to this Court to ensure his son's appearance, and that he understood the possible ramification of the loss of his home if his son fails to appear. The Court also heard arguments from the government and defense counsel as well as the testimony of Special Agent Joseph Gogliani. The Court has also reviewed the pretrial services reports, including a supplemental memorandum prepared after further interviews with Louis's family members and provided to the Court and to counsel.

The government has failed to meet its burden of demonstrating by a preponderance of the evidence that no condition or combination of conditions could reasonably assure Louis's appearance at court proceedings. See 18 U.S.C. § 3142(c). Louis is a high-school graduate and lifelong resident of the Fort Lauderdale area with no criminal record. He lives with his mother, and his father is willing to post his home, in which he holds substantial equity after years of steady toil and mortgage payments.

For these reasons, and for the reasons expressed by Judge Seltzer, the Court **AFFIRMS** Judge Seltzer's decision, subject only to the following minor modifications. First, within seven days after Louis's release, a lien shall be recorded with the Registry of Deeds or its equivalent in Florida in favor of the United States District Court, to be prepared by defense counsel in accordance with the ordinary practice in this district. Second, again within seven days after Louis's release, Louis shall post and surrender to pretrial services the title to his car, which the Court understands he owns without a lien. Finally, Louis shall use only his true name and shall not use or possess identification, credit cards, or similar documents in any other name.

Absent a stay issued by the undersigned or the United States Court of Appeals for the First Circuit, Louis shall be released under the conditions in Judge Seltzer's Order, Doc. No. 9 at 35, as modified above, by 2:00 p.m. on May 2, 2019.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge